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Written statement* submitted by Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The Right to Housing: discrimination of low-income communities during mega-events

Human Rights Advocates ("HRA") applauds the Human Rights Council (HRC) for Resolution 13/10[1] acknowledging the work of the Special Rapporteur on adequate housing calling on host states to promote the right to adequate housing during mega-events. Despite this resolution, there are continued concerns regarding violations of the right to housing during mega-events. On 14 June 2013, the United Nations Special Rapporteur on adequate housing, Raquel Rolnik, stated that "mega sporting events can be an opportunity to enhance access to adequate housing. However, past experience has shown that these events often result in forced evictions, displacement, sweeping operations against the homeless and a general augmentation of the cost of adequate housing."[2] In planning and preparing for these events, host states should ensure that low-income individuals receive protection from forced evictions, criminalization for homeless status, rapid increases in housing prices, and access to low-income housing after the event. The Human Rights Council ("HRC") should encourage states hosting mega-events to uphold their obligations to promote and protect the right to adequate housing.

State's Duty to Protect the Right to Adequate Housing

States hosting mega-events have a duty to ensure that both public and privet entities do not discriminate against poor communities or violate their right to housing. Under Article 11 of the International Covenant on Economic, Social and Cultural Rights, state parties have a duty to "take appropriate steps to ensure the realization" of the right to an adequate standard of living, including the right to housing. Moreover, the Guiding Principles on Business and Human Rights, place a burden on states to "protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises."[3] During mega-events, states should take affirmative steps to monitor, prevent, and punish violations of the right to housing by private enterprises.

Mega-Events: Past Violations of the Right to Adequate Housing

Forced Evictions

Forced evictions are a prima facie violation of the right to adequate housing and frequently occur during preparations for mega-events.[4] Forced evictions are the "removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."[5] During the 2008 Beijing Olympics approximately 1.5 million people were evicted in the preparations for the event.[6] Many of the evictions were of low-income individuals and were performed without notice or compensation.[7]

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[1] A/HRC/RES/13/10 (25 March 2010).

[2] Brazil: championing football… but what about housing rights?, United Nations Human Rights Office of the High Commissioner, South America Regional Office, June 14,2013, available at http://acnudh.org/en/2013/06/brazil-championing-football-but-what-about-housing-rights/. (hereinafter "Championing Football, ACNUDH").

[3] Guiding Principles on Business and Human Rights, United Nations Human Rights Office of the High Commissioner, (2011), available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

[4] Fair Play for Housing Rights, The Centre on Housing Rights and Evictions ("COHRE"), June 2007, p. 73-75, available at http://nogames.files.wordpress.com/2009/06/fair_play_for_housing_rights-cohr.pdf. (hereinafter "Fair Play and Housing Rights, COHRE").

[5] UN Committee on Economic, Social and Cultural Rights, General Comment No. 7 on the Right to Adequate Housing and Forced Evictions, (1997)

[6] One World, Whose Dream? Housing Rights Violations and the Beijing Olympic Games, COHRE, July 2008, p. 6, available at http://www.cohre.org/sites/default/files/mega_events_-_one_world_whose_dream_july_2008.pdf. (hereinafter "One World, COHRE")

[7] Demolished: Forced Evictions and the Tenant's Rights Movement in China, Human Rights Watch, Vol. 16, No. 4; March 2004, page 6-18

Gentrification and Reduction in Low-Income Housing

Gentrification and reductions in low-income housing are also common occurrences during mega-events and infringe on low-income communities' right to adequate housing. The right to housing requires "basic infrastructure and adequate location with regard to work and basic facilities ... at a reasonable cost."[8] Thus, state parties should ensure that housing remains affordable for low-income communities during mega events. During the 2000 Sydney Olympics, there was a sharp increase in private housing costs with a subsequent reduction in other forms of low-cost housing (such as boarding houses).[9] Moreover, there was no increase social or government-subsidized housing to supplement the decrease in low cost housing.[10] Sharp increases in housing prices near mega-event locations frequently force low-income communities out of city centers, further marginalizing these communities by forcing them farther away from transportation, jobs, and schools.[11] The potential long-term impact on housing prices, coupled with the reduction in socialized housing during these events, can create permanent displacement of low-income individuals.[12] Host states should establish rent control mechanisms and ensure that affordable housing is not impacted by the mega-event.

Criminalization of the Homeless

Adoption of laws criminalizing homelessness is another form of discrimination frequently occurring in preparation for mega-events. During the 1996 Atlanta Olympics, approximately 9,000 homeless people were issued arrest citations after the city enacted the Quality of Life Ordinance that criminalized sleeping in derelict buildings and begging.[13]

Right to Housing: The Role of the International Olympic Committee

The International Olympic Committee ("IOC"), as an "organ of society," should demand host countries follow their obligations under the right to housing. Although the IOC has failed to hold host states accountable for past human rights violations relating to mega-events, the organization has recently implemented a promising policy with respect to the bidding process. During the 2012 bidding process the IOC required perspective host cities to cooperate with the government and local NGO's in efforts relating to environmental sustainability.[14] The IOC should continue to improve its bidding process by requiring host cities to ensure protection for low-income communities from forced evictions, gentrification, and criminalization of homelessness.

Low-Income Communities Can and Should Benefit From Mega Events

There is usually an influx in foreign capital and massive infrastructural improvements in cities hosting mega-events like the FIFA World Cup and Olympics; however, low-income communities usually do not enjoy these benefits.[15] But, some former host cities have also implemented many positive measures to promote the housing needs of low-income communities. During the 2000 Sydney Olympics, the city enacted a Homelessness Protocol prohibiting arrests of "unfortunates" during the Olympics.[16] In 2011, London had plans to devote 50 percent of new housing to social housing.[17] Future host cities should look to these policies as examples of procedures ensuring the non-discrimination of low-income communities during mega-events.

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[8] UN Committee on Economic, Social and Cultural Rights, General Comment No. 4 on the Right to Adequate Housing and Forced Evictions, (1991).
[9] Fair Play and Housing Rights, COHRE, 134
[10] Id.
[11] Id. at 185.
[12] Id at 197-199
[13] Id. at 119
[14] Id. at 50
[15] Id. at 73-75
[16] Id. at 127
[17] Report of the Special Rapporteur on adequate housing as a of the right to an adequate standard of living, and on the right to non- component discrimination in this context, A/HRC/13/20 (2009) p. 17.

Upcoming Mega Events and the Right to Adequate Housing

Despite some of these positive developments, there have been some concerns regarding housing rights for upcoming mega-events. It was recently reported that during the Sochi Olympic games, more than 1,000 people were relocated under legislation known as Law 301, which allowed the seizure and demolition of privately owned plots of land and buildings in preparation for the Olympics.[18] Many of the evicted claimed that the compensation was inadequate.

In addition to the recent issues with the Sochi games, there have been more concerns with the upcoming 2014 FIFA World Cup and 2016 Olympic games hosted by Brazil. Amnesty International has reported that many residents in Rio de Janeiro's low-income areas have already lost their homes to build the 2016 Olympic infrastructure.[19] The Special Rapporteur on adequate housing, Raquel Rolnik, has expressed concern over allegations of forced evictions and the adequacy of compensation for those evicted.[20] On 14 June, 2013, Ms. Rolnik called on the Brazil to adopt "national regulations to guide the activities of local governments and third parties involved in these projects."[21] Ms. Rolnik also stressed the importance of creating a stable housing market and ensuring more affordable housing.[22]

Without affirmative actions by host states low income communities will continue to face discrimination during mega-events. In addition to the upcoming mega-events in Brazil, Russia will be hosting the 2018 FIFA World Cup and Pyeongchang, South Korea will be hosting 2018 Winter Olympics. The upcoming mega-events present an excellent opportunity to implement the positive practices of past mega-events.

HRA urges:

a. State parties to uphold their obligations under the HRC Resolution 13/10 by:
    1. Developing mechanisms to monitor, prevent, and punish both public and private entities from performing forced evictions and other violations of the right to housing relating to mega-events.
    2. Providing plans for the protection of low-income individuals and the homeless during the bidding process.
    3. Enacting rent control policies, protect existing affordable housing, and provide follow-up reports regarding development of low-income housing after the events.
    4. Adopting ordinances and procedures to protect the homeless from displacement and discrimination.
b. The HRC to continue to monitor this issue.

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[18] Sergei L. Loiko, Sochi Olympic Winter Games at root of residents' housing woes, Los Angeles Times, February 6, 2014, available at http://www.latimes.com/world/la-fg-sochi-dark-side-20140207,0,1802689.story#ixzz2swhaR6O1.
[19] Brazil: Forced evictions must not mar Rio Olympics, Amnesty International, November 14, 2011, available at https://www.amnesty.org/en/news/brazil-forced-evictions-must-not-mar-rio-olympics-2011-11-14.
[20] Championing Football, ACNUDH, supra n. 2
[21] Id.
[22] Id.